

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SIA HENRY, et al.,

Plaintiffs,

vs.

BROWN UNIVERSITY, et al.,

Defendants.

) Docket No. 22 C 125

) Chicago, Illinois
) February 22, 2022
) 8:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MATTHEW F. KENNELLY

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1 (The following proceedings were had by video:)

2 THE CLERK: Case 22 C 125, Henry v. Brown University.

3 THE COURT: Okay. First thing I'm going to do is
4 anybody who has called in by phone immediately mute
5 yourselves. Mute your phone right now. I've been trying to
6 kind of go through and mute people as we go, but people keep
7 joining, and we've got -- I think we're up to two dozen or
8 more than two dozen at this point. So I need anybody who is
9 calling in by phone to mute yourselves.

10 Secondly, if you're not familiar with this particular
11 platform and you're seeing a whole bunch of empty boxes on
12 your screen, the way you get rid of those, if you run your
13 cursor along the top, you'll see something that says, Layout.
14 If you click on that, you'll see something that says, Show
15 participants without video. If you turn that off, the empty
16 boxes go away.

17 So the way I want to do this is to get people
18 identified for the record. Anybody who gives your name --
19 anybody who is on video and gives your name, if you want to
20 identify other people from your firm or office or, you know,
21 other attorneys for your client who are on but not depicted,
22 just go ahead and do that.

23 So let's start off with counsel for the plaintiffs.

24 MR. NORMAND: Good morning, your Honor. It's Ed
25 Normand from Roche Freedman, and I'm joined on the phone, I

1 believe, with my colleagues Kyle Roche and Eric Rosen.

2 MR. GILBERT: This is Robert Gilbert. I represent
3 the plaintiffs, Gilbert Litigators -- as Gilbert Litigators,
4 and I believe on the phone are my partners. Elpidio
5 Villarreal and Robert Raymar are also on the phone, not by
6 video.

7 MR. CRAMER: Good morning, your Honor. Eric Cramer
8 also for the plaintiffs, and I'm joined by my colleague,
9 Robert Litan.

10 MS. FEGAN: Good morning, your Honor. Elizabeth
11 Fegan from Fegan Scott for plaintiffs.

12 THE COURT: Anybody else on the plaintiffs' side who
13 is on camera and hasn't given your name yet?

14 MS. FEGAN: That's it.

15 THE COURT: Okay. So for the defendants, I'm just
16 going to kind of go through you in the order you're named in
17 the complaint.

18 So first of all, counsel for Brown.

19 MR. ROELLKE: Thank you, your honor. Jon Roellke
20 from Morgan Lewis on behalf of Brown.

21 THE COURT: Cal Tech.

22 MS. BANSAL: Good morning, your Honor. Deepti Bansal
23 from Cooley LLP for California Institute of Technology.

24 THE COURT: All right. Counsel for University of
25 Chicago.

1 MR. COOPER: Good morning, your Honor. James Cooper
2 from Arnold & Porter on behalf of University of Chicago.

3 THE COURT: Next is Columbia.

4 MS. LENT: Good morning, your Honor. Karen Lent from
5 Skadden Arps, and my colleague Amy Van Gelder is on as well.

6 THE COURT: Dartmouth -- or, excuse me -- Cornell.

7 MR. FARDON: Good morning, your Honor. Zach Fardon
8 and Norm Armstrong from King & Spalding on behalf of Cornell
9 University.

10 THE COURT: Dartmouth.

11 MS. MASCHERIN: Good morning, your Honor. Terri
12 Mascherin, Jenner & Block, on behalf of Dartmouth. Joining me
13 today is my partner, Ishan Bhabha.

14 THE COURT: Duke.

15 MR. LUDWIN: Good morning, your Honor. Derek Ludwin,
16 Covington & Burling, on behalf of Duke University.

17 THE COURT: Emory.

18 MS. TABACCHI: Good morning, your Honor. Tina
19 Tabacchi from Jones Day on behalf of Emory University.

20 THE COURT: Georgetown.

21 MS. MILLER: Good morning, your Honor. Britt Miller
22 of Mayer Brown on behalf of Georgetown University.

23 THE COURT: MIT.

24 MR. MAHR: Good morning, your Honor. Eric Mahr from
25 Freshfields Bruckhaus Deringer for MIT.

1 THE COURT: And Northwestern.

2 MR. STEIN: Scott Stein, Gass Turek, for
3 Northwestern.

4 THE COURT: Notre Dame.

5 MR. VAN KIRK: Bob Van Kirk with Williams & Connolly
6 on behalf of Notre Dame. I'm joined by Jonathan Pitt and
7 Sarah Kirkpatrick.

8 THE COURT: When you gave your name, there was a
9 little glitch, so give your name again. The second two came
10 through okay.

11 MR. VAN KIRK: Sure. Bob Van Kirk with Williams &
12 Connolly.

13 THE COURT: Penn.
14 University of Pennsylvania? Anybody on?
15 Okay. That looks like a no.
16 Rice.

17 MR. WAXMAN: No, sorry, I was muted. Defeated by the
18 technology.

19 Your Honor, this is Seth Waxman from Wilmer Hale. My
20 partner, David Gringer, is on. And our local counsel, Dan
21 Feeney, from the Miller Shakman firm is also on.

22 THE COURT: I just got to respond to that. You
23 weren't defeated by the technology. You were defeated by
24 yourself.

25 MR. WAXMAN: Thank you for that correction, your

1 Honor.

2 THE COURT: Rice.

3 MR. FARDON: Your Honor, Zach Fardon and Norm
4 Armstrong, King & Spalding, also on behalf of Rice University.

5 THE COURT: Got it.

6 Vanderbilt.

7 MR. GIDLEY: Your Honor, good morning. Mark Gidley
8 from White & Case, and I'm joined on the phone but not on
9 screen by Rob Milne and David Suggs.

10 THE COURT: And last is Yale.

11 MR. LOUGHLIN: Good morning, your Honor. Charles
12 Loughlin from Hogan Lovells on behalf of Yale University.
13 With me on the phone is Benjamin Holt and also our local
14 counsel, Stephen Siegal, from Novak and Macey.

15 THE COURT: Okay. So here's what I got on the agenda
16 from my end. A couple of preliminary things that I got to put
17 on the record.

18 I'm going to talk about the schedule, briefing on the
19 motion and anticipated motions to dismiss, the motion to
20 appoint lead counsel, and there's a couple of other odds and
21 ends that I'll cover at the end.

22 So first the preliminary thing. So you guys probably
23 know this already. I went to Notre Dame, undergrad. That's
24 43-plus years ago now.

25 And then one of the lawyers who has an appearance on

1 file from Williams & Connolly, Matthew Heins, H-e-i-n-s, is a
2 former law clerk of mine. I think he finished up about five
3 and a half or six years ago. I may be a little off on that,
4 but I think that's right.

5 So those are preliminary things.

6 On the schedule, it seems like the main question has
7 to do with whether discovery ought to be stayed pending
8 consideration of the motions to dismiss, which I think we've
9 got a date for. I'm blanking on what it is, but it's several
10 weeks out yet.

11 And I don't know if anybody -- I don't need anybody
12 to repeat what's in the status report, but if anybody has
13 anything additional to add to that, feel free.

14 What I'm going to ask is even though we can see you
15 and there's a little name under there, because there's like 15
16 or so people on screen, just say who you are when you're
17 talking so the court reporter doesn't have to hunt for your
18 name to get it down.

19 MR. NORMAND: Your Honor, this is Ed Normand from
20 Roche Freedman. Maybe I didn't understand the question. Is
21 the spirit of the question whether the plaintiffs want to say
22 anything with respect to opposing the motion to stay
23 discovery, or is the Court wanting to allow full briefing on
24 that motion? We're happy to proceed how the Court --

25 THE COURT: We're going to talk about it right now.

1 And so there's -- both sides have -- both sides have
2 said a bunch about this in the status report, you know, even
3 before the motion got filed. And so what I'd like to -- and
4 nobody has to repeat what's in the status report. This
5 obviously isn't my first rodeo either.

6 So go ahead if you want to respond to something in
7 the motion that isn't in the status report.

8 MR. NORMAND: So a couple of threshold points, your
9 Honor, and then a larger substantive point -- but, again,
10 we're happy to argue to the extent the Court wants to hear
11 it -- the threshold points being, one, as this circuit and the
12 district have made clear, that a motion to stay discovery
13 really sensibly ought to wait the service of discovery. We
14 haven't even begun to serve discovery, and it's putting the
15 cart before the horse to assume that we would start discovery
16 while the motion to dismiss we knew would be filed with
17 full-fledged discovery. We're happy to speak with the
18 defendants about making our initial round of discovery more
19 targeted.

20 A second related threshold point which really follows
21 from the first point is when a defendant, or, here a set of
22 defendants, moves to stay discovery, they're supposed to
23 substantiate the burden, either through affidavit or other
24 quantification.

25 Now, we haven't seen that, and I think that reflects

1 the assumption that we would start discovery, as I say, with
2 full-fledged discovery rather than speaking with them about
3 targeted discovery that we think would not be nearly as
4 burdensome as the motion suggests.

5 The more substantive issue, I think, as your Honor
6 appreciates, in this district is a motion to stay discovery
7 introduces a preliminary injunction-type standard where the
8 Court is asked to assess the likelihood that the defendants
9 will prevail on their motion to dismiss, and that's where I
10 say, your Honor, we can go into that issue in whatever detail
11 with respect to the threshold issues that we would expect to
12 come up on the motion to dismiss.

13 I mean, our feeling there would be the issues that we
14 expect defendants to address are classically fact-intensive
15 issues. Our perspective is we've alleged facts sufficient to
16 raise factual issues on those issues, and -- and we can go
17 through them.

18 I mean, we've alleged that there's an agreement on a
19 common methodology and that as a result of the agreement and
20 application of the common methodology, there's artificially
21 inflated net prices of attendance. This is a factually
22 intense issue.

23 We've alleged that the pro se rule applies, and the
24 Supreme Court made clear 40 years ago that that can be a
25 fact-intensive issue that requires considerable inquiry into

1 the market conditions.

2 So our threshold point as to market is we don't even
3 need to define a market because the per se rule applies, and
4 the resolution of whether the per se rule applies is not
5 typically subject to resolution as a matter of law.

6 If we did need to define a market, that is another
7 classically fact-intensive issue. The plaintiff certainly has
8 to allege a plausible market. We've alleged facts and more
9 detailed facts in the amended complaint to support that market
10 definition, including that defendants and representatives of
11 defendants effectively agreed that they compete with the
12 schools that we say they compete against.

13 So it's rare enough for the federal courts to resolve
14 market definition as a matter of law, and on those facts, it
15 would be even rarer.

16 And there's a still further issue in the Seventh
17 Circuit, which is --

18 THE COURT: Time out. I really don't need you to
19 argue the motion to dismiss here. I haven't even seen the
20 thing yet.

21 MR. NORMAND: Understood, your Honor, and that was
22 the spirit of what I meant, that --

23 THE COURT: Yeah.

24 MR. NORMAND: -- I took that -- the task for the
25 Court on a motion to stay discovery is this preliminary

1 injunction-type assessment of likelihood of success on the
2 merits.

3 So I think I've said enough there. And if it makes
4 the Court's life easier, my threshold point, I would repeat,
5 which is that --

6 THE COURT: It doesn't. Actually, it doesn't -- it
7 actually does not make life easier for me for you to repeat
8 something that you already said.

9 MR. NORMAND: Just that we're willing to speak --

10 THE COURT: I already heard.

11 MR. NORMAND: -- to the defendants about targeted
12 discovery.

13 THE COURT: Okay. Thanks.

14 Is there somebody -- and I don't want to hear from 16
15 people or 15 or anything more than like one, maybe -- is there
16 somebody on the defendants' side who wants to say something
17 that you haven't already said either in the status report or
18 in the motion?

19 MS. MILLER: Thank you, your Honor. Britt Miller,
20 Mayer Brown, on behalf of Georgetown, and I'll be speaking on
21 this issue briefly for the Court.

22 As you might imagine, defendants disagree with
23 plaintiffs' assessment of the likelihood of success on the
24 motion to dismiss. We will not argue that motion here before
25 your Honor today, but we believe that some, or not all -- if

1 not all, of the motion to dismiss will resolve the issues
2 before your Honor. We don't believe there is a standard that
3 requires some form of TR0 or other sort of likelihood of
4 success on the merits.

5 The statute at issue here clearly contemplates that
6 one of its purposes is to not impose great litigation costs on
7 the parties that participate in the group and have advantage
8 of the statute.

9 The plaintiffs have made plain in their schedule that
10 has been proposed and in their status report that they are
11 seeking 1700 interrogatories and some 195 depositions. That
12 is by no means tailored.

13 We think that the motion to dismiss can be presented
14 before your Honor, argued, and decided before there needs to
15 be any material efforts. We have offered to do an ESI
16 protocol and other preliminary matters so in the event that
17 this case does survive and go forward, the parties can hit the
18 ground running, but we don't believe that plaintiffs'
19 allegations as pled warrant full-blown discovery or any
20 discovery at this point prior to a decision on the motion to
21 dismiss.

22 THE COURT: Can you remind me what the due date is
23 for the response to the amended complaint?

24 MS. MILLER: Yes, your Honor. It's April 15th.

25 THE COURT: All right. Thanks.

1 So somebody cited in a footnote in the status report,
2 I think it was footnote 7 or something like that, a --
3 somebody had drilled down onto a docket of an antitrust case
4 that I had a couple years ago and said, ah-ha, Judge, you
5 stayed discovery pending the motion to dismiss in that case.
6 It was called Black Bear, I think. It was about hockey rinks.

7 What I did in that case is I did stay discovery once
8 I got the motion to dismiss. And before that, what had
9 happened was I had ordered 26(a)(1) disclosures, and I had
10 told the parties, because there was a discussion at the very
11 early stages about staying discovery, I said I'm not going to
12 stay discovery until I see a motion, and then I'll make an
13 assessment then, and we'll talk about it, and then I'll decide
14 it at that point, and that's what I did.

15 And the reason I ordered 26(a)(1)s, so it was -- so
16 that if I decided not to stay discovery, we wouldn't have lost
17 whatever time there was in the interim.

18 That's what I'm going to do here.

19 I'm not going to stay discovery sight unseen. I know
20 that you've sketched out the outlines of what the motion to
21 dismiss says.

22 I'm going to -- what I'm going to do is give you a
23 date for 26(a)(1)s, not allow the service of any other
24 discovery other than that. Prior to when we revisit this, I'm
25 going to set you for a date right after -- a little bit after

1 the motions to dismiss come in, and I'll make a decision then
2 about whether discovery gets stayed further at that point.

3 So --

4 MR. NORMAND: Your Honor -- I'm sorry to interrupt,
5 your Honor. Would you then -- no opposition necessary to the
6 motion to stay discovery?

7 THE COURT: No, you don't have to brief it now.
8 We'll talk about that at a later point in time.

9 MR. NORMAND: Thank you, your Honor.

10 THE COURT: And that was Mr. Normand talking,
11 Carolyn.

12 Okay. So I'm just going to -- just to have a date,
13 I'm going to give you the same date for 26(a)(1)s as the date
14 for the response to the motion to dismiss. It's April 15th.

15 And then so that's the first issue.

16 And the motion to stay discovery is entered and
17 continued to the next status hearing.

18 The second issue has to do with the motions to
19 dismiss.

20 So I got 16, I think, if I'm counting right,
21 defendants here. Have you had any discussions amongst
22 yourselves about combining and things like that? It looks
23 like, to me, that the principal arguments, or at least
24 sketched out in the status report, are things that would
25 largely and perhaps in some cases entirely be common to

1 everybody.

2 So have you talked about that, or are you planning to
3 each file your own motion?

4 MS. MILLER: Your Honor, Britt Miller --

5 THE COURT: I said planning.

6 MS. MILLER: Pardon me, your Honor. Britt Miller on
7 behalf of Georgetown University. The answer is, yes, your
8 Honor. We have discussed filing a joint motion. We
9 anticipate doing just that. Of course, we will be as
10 efficient as possible and targeted.

11 We do anticipate that there are possibly some unique
12 issues for some of the defendants, and so we would expect that
13 there will be one or two additional individual motions to
14 dismiss, maybe joined by a smaller number of defendants that
15 are unique to those defendants.

16 We have already discussed with plaintiffs the page
17 limits for those. We would propose that for the joint brief,
18 that there be 30 pages for that joint brief, and to the extent
19 there are separate briefs, that they be five pages each.

20 And the parties have already discussed page limits
21 and possible dates for responses and replies if your Honor
22 would like us to go through those.

23 THE COURT: Okay. So let me just back up a little
24 bit.

25 So what you propose, at least conceptually, sounds

1 fine to me because I'm sure there will be some individual
2 issues.

3 What I'm not willing to do is to just say anybody who
4 wants to file an individual brief gets five pages, because if
5 I'm doing the math right, that means I get a total of 90,
6 potentially. Maybe it wouldn't end up that way, but I want to
7 have some kind of an overall page limit on those.

8 I don't expect you to be able to sort of tell me that
9 right now. What I'd like you to do is talk, principally on
10 the defense side, to try to get a handle on who is actually
11 going to need to file something separate, and then for those
12 folks, the extent to which those separate arguments may be
13 joint with somebody else and can be combined and which aren't
14 and how many pages total you're looking for for the extra
15 brief.

16 So what I'd like you to do on that is maybe in two
17 weeks -- so two weeks would be -- today is the first -- 15th
18 of March, if you can give me a -- we can just call it a status
19 report regarding motion to dismiss briefing, and include in
20 that a proposed overall page limit for that, and then give me
21 in that report whatever dates you come up with and proposed
22 page limits you've got for the response and the reply, because
23 that will have some impact on that.

24 So that's that issue.

25 Does anybody have any questions about that before I

1 go on to the next thing?

2 MS. MILLER: No, your Honor.

3 MR. NORMAND: No, your Honor.

4 THE COURT: All right. The third is the motion to
5 appoint lead counsel. I may be botching the title on that.
6 And I guess my basic question is why? Why do we need to do
7 that?

8 I mean, it looks like on the plaintiffs' side you all
9 cooperated in filing the complaint. I mean, it's not a case
10 where I've got, you know, competing motions and things like
11 that, or -- I'm not aware, and you guys will tell me if there
12 are, I don't know that -- nobody's told me that there are any
13 other cases out there that, you know, might have to be roped
14 into this one or dealt with in some way. But I guess I'm just
15 not seeing the need at this point for preliminarily appointing
16 lead counsel.

17 So if somebody wants to give me a good
18 between-the-eyes shot at why I should do that and not table
19 it --

20 MR. CRAMER: Yes, your Honor. Yes, your Honor. I
21 appreciate the opportunity to speak to that --

22 THE COURT: Who is --

23 MR. CRAMER: Eric Cramer -- Eric Cramer for the
24 plaintiffs.

25 THE COURT: Thanks. Okay.

1 MR. CRAMER: I guess I would make three points. The
2 first is that designation of interim lead counsel assigns
3 responsibility from the Court to the lawyers for protecting
4 the interests of the absent class members, and the Court can
5 then assure that specific lawyers and law firms are assigned
6 responsibilities that would be laid out in our -- and as are
7 laid out in our proposed order so the Court can be sure that
8 pending the class certification opinion, there are specific
9 counsel that have been assigned the role of interim co-lead
10 counsel. So we think that's important.

11 And second, yes, your Honor is correct. At the
12 moment, there are no pending competing class actions or
13 competing cases in this jurisdiction or any other, to our
14 knowledge, but that doesn't mean there won't be in the future.
15 And often it takes time for some of these cases to percolate
16 up and get filed. And appointing co-lead counsel now will
17 avoid confusion, disputes, diffusion, and responsibility
18 should additional cases get filed in this court or another
19 court.

20 And I've had this happen in my experience where
21 co-lead counsel wasn't appointed early on, then a few months
22 after, there's a bunch of cases filed, and it creates
23 confusion, especially if there's a motion to dismiss pending,
24 some new counsel comes forward, says, hey, we represent the
25 class, and we think it would clarify things if the Court would

1 appoint interim lead counsel as we've proposed.

2 And the last point I would make is one of the reasons
3 why there is no dispute among counsel in cases is because the
4 parties -- the lawyers have privately worked, we have agreed
5 amongst ourselves, and that's the preferred means under the
6 manual for complex litigation for this to go.

7 And so one of the reasons you don't see a dispute is
8 because we've come to a pre-agreement, and we think that
9 should be encouraged and not discouraged.

10 So for those reasons, your Honor, we would encourage
11 you and ask you with respect to grant our motion for
12 appointment.

13 THE COURT: So I've got your motion up in front of me
14 on the screen. Where do I find in the motion the thing
15 that -- the division of responsibility part that you were
16 talking about?

17 MR. CRAMER: It's in the -- I would point your Honor
18 to the proposed order.

19 THE COURT: Which exhibit is that?

20 MR. CRAMER: It was filed along with the motion.
21 There's a proposed order appointing interim lead counsel and
22 liaison counsel.

23 THE COURT: I just need to know where to look. I'm
24 looking at the motion. I'm looking at -- I'm now paging
25 through the attachments. I'm seeing an affidavit, an

1 affidavit, and affidavit.

2 MS. FEGAN: This is Elizabeth Fegan. I believe that
3 we would've submitted it to the proposed order email.

4 THE COURT: Oh, okay.

5 MR. CRAMER: And I would point your Honor to the --

6 THE COURT: Hang on a second.

7 Just give me a ballpark date on when that would've
8 happened so I can go look. Or who sent it, that would be
9 helpful too. I mean, there's a bunch of stuff that's come in
10 over the last couple of days in there.

11 I have to tell you, I'm going back, and I usually
12 delete stuff in there only as I enter it, I'm not seeing
13 anything. So maybe I mistakenly deleted something, that
14 wouldn't be the first time that that happened, but I'm not
15 seeing something.

16 Is there anything on the docket in the case that I
17 can -- that you can point me to? I've looked at all the -- I
18 looked at all but one. I'm looking at the last one right now.

19 Oh, no, here's the order. It's attachment 5 to the
20 motion. Okay. That would solve things. So let me just --

21 MR. CRAMER: And I would point your Honor to page 2
22 and 3, which set out the duties --

23 THE COURT: Yeah -- okay.

24 So all that does is basically says the three law
25 firms that I am -- that I would be appointing as interim lead

1 counsel are responsible for everything. I mean --

2 MR. CRAMER: There's a liaison counsel, which is --

3 THE COURT: No, I get -- I get that. I get that,
4 obviously.

5 But, I mean, in terms of division of responsibility,
6 what's being divided?

7 MR. CRAMER: I just mean that your Honor would have
8 appointed firms to take on the role of interim lead counsel,
9 and so you have divided responsibility -- you have given
10 responsibility --

11 THE COURT: Let me get to my point in a different
12 way.

13 So who's not -- which of the law firms that filed the
14 complaint are not on the list?

15 MR. CRAMER: Ms. Fegan's firm would be liaison
16 counsel and not part of interim --

17 THE COURT: Right.

18 MR. CRAMER: -- co-lead counsel.

19 The firms that are on the complaint are all -- all
20 the other firms are all seeking to be interim co-counsel.

21 THE COURT: Okay. And that's kind of the way I read
22 this when it came in.

23 And so, I mean, I get that if there are other cases
24 that get filed, at the risk of being unduly colloquial, it's
25 beneficial if somebody has already been appointed lead dog,

1 or, I guess, in this case, lead dogs.

2 But if basically what I'm being asked to do is
3 appoint everybody who filed the case as either lead counsel or
4 liaison counsel, I'm just not seeing the need for it,
5 particularly if there's no other cases.

6 Now, you guys will know if another case gets filed,
7 I'm guessing. You'll find out about it in some way. If it
8 looks like I need to do something, you'll let me know.

9 I'm going to table that motion for now. I'm just not
10 seeing the need for it. I'm moving on to the next thing.

11 MR. CRAMER: Thank you, your Honor.

12 THE COURT: Actually, the next thing you've already
13 answered is whether there is -- are of the defendants aware of
14 any other similar litigation that's been filed in any other
15 federal court or, I guess in theory, state court?

16 MS. MILLER: Your Honor, Britt Miller. I don't
17 believe so, your Honor.

18 THE COURT: Okay. All right. So I think I've gone
19 through my whole list. And so the only other thing I need to
20 do is give you a date for us to reconvene in April.

21 Before I do that, is there anything else that anybody
22 needs to bring up with me?

23 MS. MILLER: Not from defendants, your Honor.

24 MR. BUSHOFSKY: Your Honor, if I may, Jeff Bushofsky.
25 I just wanted to mention there is a new defendant which I

1 represent, and so it's Johns Hopkins University.

2 THE COURT: I'm so sorry. I was looking at the
3 status report. I am so sorry for leaving you off.

4 Give the names of yourself and all your folks for the
5 record.

6 MR. BUSHOFISKY: Sure. It's Jeff Bushofsky and a
7 couple of colleagues who have pro hac vice motions pending
8 from Ropes & Gray for Johns Hopkins.

9 Thank you, your Honor.

10 THE COURT: All right. And sorry again. I thought I
11 had -- I thought I was caught up on all the pro hac motions,
12 so let me just look and see if there's -- yeah. I am caught
13 up on all the pro hac motions. I think I just granted those
14 the other day.

15 MR. BUSHOFISKY: Thank you, your Honor.

16 THE COURT: Yep. Just over the weekend, I think.
17 Okay. Anything else anybody needs to bring up?

18 MR. CRAMER: No, your Honor.

19 THE COURT: Okay. So the date we're -- day we're
20 going to talk next is April the 20th, let's say at 8:30 again.
21 Decent chance that one is going to be a phone call because I'm
22 supposed to be finishing up a trial out in Rockford, which is
23 the Western Division, that day, and if so, I'll be out there,
24 and it's just going to be logistically easier for this to be a
25 phone call. If that changes, I'll let you know before that.

1 So if there's nothing else, thanks for --

2 MR. GILBERT: Your Honor, this is Robert Gilbert.

3 "Phone call" meaning video phone call or phone --

4 THE COURT: No, a phone call as opposed to a video.

5 MR. GILBERT: Got it.

6 THE COURT: But I'll -- as for now, it's going to be
7 a phone call, but I -- that may change as we get closer, kind
8 of depending on what happens with my trial out there.

9 Okay. I appreciate everybody cooperating and getting
10 this done today, and we'll talk to you in a couple months.
11 Thanks.

12 MR. NORMAND: Thank you, your Honor.

13 MS. MILLER: Thank you, your Honor.

14 (Which were all the proceedings had in the above-entitled
15 cause on the day and date aforesaid.)

16 I certify that the foregoing is a correct transcript from
17 the record of proceedings in the above-entitled matter.

18 _____
19 Carolyn R. Cox
20 Official Court Reporter
21 Northern District of Illinois
22 /s/Carolyn R. Cox, CSR, RPR, CRR, FCRR
23
24
25

Date